

Senate File 2342

S-5034

1 Amend Senate File 2342 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. NEW SECTION. 261I.1 Definitions.

5 For the purposes of this chapter:

6 1. "*Educational institution*" means any of the following:

7 a. A nonpublic school accredited pursuant to section 256.11.

8 b. A public school district.

9 c. An institution governed by the state board of regents  
10 pursuant to chapter 262.

11 d. A community college as defined in section 260C.2.

12 e. Any institution of higher education located in this  
13 state that is a member of the national collegiate athletic  
14 association, national association of intercollegiate athletics,  
15 or national junior college athletic association.

16 2. "*Organization*" means the same as defined in section  
17 280.13.

18 3. "*Sex*" means a person's biological sex as either female or  
19 male. The sex listed on a student's official birth certificate  
20 or certificate issued upon adoption may be relied upon if the  
21 certificate was issued at or near the time of the student's  
22 birth.

23 Sec. 2. NEW SECTION. 261I.2 Extracurricular athletics —  
24 eligibility — cause of action.

25 1. a. An interscholastic athletic team, sport, or athletic  
26 event that is sponsored or sanctioned by an educational  
27 institution or organization must be designated as one of the  
28 following, based on the sex at birth of the participating  
29 students:

30 (1) Females, women, or girls.

31 (2) Males, men, or boys.

32 (3) Coeducational or mixed.

33 b. Only female students, based on their sex, may participate  
34 in any team, sport, or athletic event designated as being for  
35 females, women, or girls.

1     *c.* Protections pursuant to chapter 669 or chapter 670  
2 shall not apply to an educational institution or an employee  
3 of an educational institution that does not comply with the  
4 requirements of this section.

5     2. *a.* If a student suffers direct or indirect harm as  
6 a result of a violation of subsection 1, that student has a  
7 private cause of action for injunctive, mandamus, damages, and  
8 declaratory relief against the entity that violated subsection  
9 1.

10    *b.* If a student is subjected to retaliation or other adverse  
11 action by an educational institution or organization as a  
12 result of reporting a violation of subsection 1 to an employee  
13 or representative of the educational institution, organization,  
14 or to a state or federal governmental entity having oversight  
15 authority, that student has a private cause of action for  
16 injunctive, mandamus, damages, and declaratory relief, against  
17 the educational institution or organization. In addition,  
18 a governmental entity shall not investigate a complaint or  
19 take any adverse action against an educational institution or  
20 organization, or any employee of a board of directors of a  
21 school district, the authorities in charge of an accredited  
22 nonpublic school or nonpublic institution of higher education,  
23 the board of directors of a merged area, or the board of  
24 regents for compliance with subsection 1.

25     3. If an educational institution or organization suffers  
26 any direct or indirect harm as a result of a violation of  
27 subsection 1, that educational institution or organization has  
28 a private cause of action for injunctive, mandamus, damages,  
29 and declaratory relief against the entity that violated  
30 subsection 1.

31     4. *a.* A governmental entity, educational institution, or  
32 organization shall not be liable to any student for complying  
33 with subsection 1.

34     *b.* A civil action under subsection 2 or 3 must be initiated  
35 within two years from the date the alleged harm occurred.

1     *c.* Any party prevailing on a claim brought under subsection  
2 2 or 3 is entitled to reasonable attorney fees and costs.

3     5. *a.* For any lawsuit brought or any complaint filed  
4 against an educational institution or organization, or an  
5 employee, a member of the board of directors of a school  
6 district, a member of the authorities in charge of a nonpublic  
7 school or nonpublic institution of higher education, a member  
8 of the board of directors of a merged area, or a member of the  
9 board of regents as a result of compliance with subsection 1,  
10 the attorney general shall provide legal representation at no  
11 cost to that entity or individual.

12     *b.* In addition to the expenses of representation, the  
13 state shall assume financial responsibility for any other  
14 expense related to the lawsuit or complaint and incurred by  
15 an educational institution or organization, or an employee, a  
16 member of the board of directors of a school district, a member  
17 of the authorities in charge of a nonpublic school or nonpublic  
18 institution of higher education, a member of the board of  
19 directors of a merged area, or a member of the board of regents  
20 including any award for attorney fees and costs for which that  
21 entity or individual would be otherwise responsible.

22     Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate  
23 importance, takes effect upon enactment.>

24     2. Title page, by striking lines 1 through 4 and inserting  
25 <An Act relating to student eligibility requirements in school  
26 district, accredited nonpublic school, regent institution,  
27 community college, and certain other institution of higher  
28 education athletics based on sex, and including effective date  
29 provisions.>

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TIM GOODWIN